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RAJYA SABHA

The following report of the Joint Committee of the Houses of Parliament on the Bill to prevent the infliction of unnecessary pain or suffering on animals and for that purpose to amend the law relating to the prevention of cruelty to animals, was presented to the Rajya Sabha on the 17th February, 1960.

COMPOSITION OF THE JOINT COMMITTEE

Members

RAJYA SABHA

1. Dr. H. N. Kunzru—*Chairman*.
2. Shrimati Lakshmi N. Menon
3. Shri Jai Narayan Vyas
4. Dr. M. D. D. Gilder
5. Shri K. Madhava Menon
6. Shrimati Chandravati Lakhanpal
7. Shri N. R. Malkani
8. Shri Amolakh Chand
9. Shri Tajamul Husain
10. Shri Onker Nath
11. Shri V. C. Kesava Rao
12. Shri Lalji Pendse
13. Shri Dahyabhai V. Patel
14. Shri Nirantjan Singh
15. Shrimati Bhumini Desai Arundale

(17)

LOK SABHA

16. Pandit Thakur Das Bhargava
17. Shri M. L. Dwivedi
18. Shri Masuriya Din
19. Shri Har Prasad Singh
20. Shri K. G. Wodeyar
21. Shrimati Masida Ahmed
22. Shrimati Subhadra Joshi
23. Shri Chapalakanta Bhattacharyya
24. Kumari Mothey Veda Kumari
25. Shri C. R. Narasimhan
26. Shri M. K. Jinachandran
27. Shri Kanhaiyalal Khadiwala
28. Shri Mohanlal Bakliwal
29. Shri Inder J. Malhotra
30. Shri Laxmanrao Shrawamji Bhatkar
31. Shri Akbarbhai Chavda
32. Shri Anirudha Sinha
33. Shri Chandramani Lal Choudhry
34. Shri K. S. Ramaswamy
35. Shrimati Uma Nehru
36. Shri T. C. N. Menon
37. Shri Baishnab Charan Mullick
38. Shri Jagdish Awasthi
39. Shri Amjad Ali
40. Shri Kamal Singh
41. Shri Balasaheb Salunke
42. Shri Atal Bihari Vajpayee
43. Shri Prakash Vir Shastri
44. Dr. Sushila Nayar
45. Shri S. K. Patil

REPORT OF THE JOINT COMMITTEE

1. I, the Chairman of the Joint Committee to which the Bill* to prevent the infliction of unnecessary pain or suffering on animals and for that purpose to amend the law relating to the prevention of cruelty to animals was referred, having been authorized to submit the report on their behalf, present this their report, with the Bill as amended by the Committee annexed thereto.

2. The Bill was introduced in the Rajya Sabha on the 13 March, 1959. The motion for reference of the Bill to a Joint Committee of the Houses (*vide* Appendix I) was moved on the 12th August, 1959, by Shri M. V. Krishnappa, Deputy Minister of Agriculture, and was adopted by the House on the 13th August, 1959.

3. The Lok Sabha discussed the said motion on the 25th and 27th August, 1959, and concurred in it on the 27th August, 1959 (Appendix II).

4. The message from the Lok Sabha was reported in the Rajya Sabha on the 31st August, 1959.

5. The report of the Joint Committee was to be presented on the 23rd November, 1959. The Committee was, however, granted two extensions of time; for the first time on the 23rd November, 1959, up to the last day of the first week of the 28th session of the Rajya Sabha and again on the 12th February, 1960, up to the last day of the second week of the twenty-eighth session.

6. The Committee held thirteen sittings in all.

7. The first sitting of the Committee was held on the 12th September, 1959. The Committee at this sitting decided to request the Ministry of Food and Agriculture to circulate the Bill to the State Governments for their opinion and comments thereon.

8. The Committee considered the Bill clause by clause at the sittings held from 9th November to 12th November, 1959, 18th November, 1959, 1st February to 3rd February, 1960, and from 8th February to 10th February, 1960.

*Published in Part II, Sec. 2 of the *Gazette of India Extraordinary*, dated the 13th March, 1959.

9. The Committee considered and adopted the Report on the 15th February, 1960.

10. The observations of the Committee with regard to the principal changes in the Bill are detailed in the succeeding paragraphs:

Clause 2:

Item (a).—The Committee feel that the definition of the word 'animal' should be enlarged so as to include in it all living creatures other than human beings and, therefore, have adopted a more comprehensive definition on the lines of section 47 of the Indian Penal Code.

Clause 4:

The changes made in sub-clause (1) are of a drafting nature.

Clause 5:

The Committee are of the opinion that the membership of the Animal Welfare Board should be increased to 25. The Committee also feel that the composition of the Board prescribed in the Bill should be amended so as to make it more broad-based and more representative in character. Sub-clause (1) has, therefore, been revised suitably.

Clause 6:

The Committee feel that the term of office of a member of the Board should be three years except in the case of the member elected to represent any municipal corporation (other than the corporations of Bombay, Calcutta, Delhi and Madras) which should be one year, and provision to that effect should be made in the Bill itself. Sub-clause (1) has, therefore, been amended and a new sub-clause (2) has been added, accordingly. The changes made in sub-clauses (4) and (5) are of a consequential nature.

Clause 8:

The Committee feel that a specific reference should be made to local authorities from which contributions may be received.

Clause 9:

Item (f).—The Committee feel that the Board should be empowered to take such measures, whether by means of propaganda or otherwise, to eliminate the sacrifice of animals altogether, whether performed in public places or not. Necessary changes have, therefore, been made in clause 9(2) (f).

New item (g).—The Committee consider that provision should be made to ensure that unwanted animals are destroyed by local authorities either instantaneously or after being rendered insensible to pain or suffering. New clause 9(2) (g) makes provision in this behalf.

Item (j).—The Committee feel that the functions of the Board should not be restricted to encouraging formation of animal welfare organisations but must extend also to assisting and guiding existing organisations. Clause 9(2) (j) has, therefore, been recast suitably.

New item (k).—The Committee are of the opinion that the Board should be empowered to advise the Government on matters relating to the medical care and attention which may be provided in animal hospitals and the financial and other assistance which may be given to such hospitals. New clause 9(2) (k) makes provision in this behalf.

Item (l).—It has been made clear that reference to education in clause 9(2) (l) is in regard to the humane treatment of animals.

Item (m) [original item (k)].—The changes made are of a drafting nature.

Clause 11:

Sub-Clause (1):

Item (g).—The Committee feel that the protection given to dogs should be extended to other animals also. Clause 11(1) (g) has, therefore, been amended suitably.

Item (l).—The Committee feel that killing of animals in a cruel manner should by itself be punishable, and it is not necessary to qualify it by the word 'unnecessarily' which has now been omitted.

New item (m).—The Committee feel that the cruelty perpetrated on animals by confining them in a manner so as to make them a prey to other animals solely with a view to provide entertainment to others, should be made punishable. New Sub-clause (1) (m) makes provision in this behalf.

Item (n) [original item (m)].—The Committee feel that organising of animal fighting should also be made expressly punishable.

New item (p).—The Committee are of the opinion that the practice of goading animals with sharp or pointed appliances should be prohibited.

The Committee consider that the punishment of fine for cruelty to animals, in the case of a first offence, should be reduced from Rs. 50 to Rs. 25. Necessary changes have therefore been made.

Sub-clause (3):

The Committee feel that the dehorning of cattle or the castration or branding of any animal should be done only in the manner provided by rules made in this behalf. Suitable changes have been made in sub-clause (3) (a).

Clause 13:

The powers given to a constable in sub-clause (3) should also be available to any person authorised by the State Government in this behalf, on the lines of the provision contained in clause 33 of the Bill.

Clause 15:

The changes made in sub-clause (1) are with a view to ensuring that the Committee always includes officials and non-officials.

Clause 17:

Rules made by the Committee should be subject to the condition of previous publication as in rules under clause 37(1).

Clause 18:

The changes made in the clause are of a drafting nature.

Clause 28:

The Committee feel that courts should also be empowered to order that a person convicted of an offence under the Act should be prohibited either permanently or during such period as is fixed by the order, from having the custody of an animal. Further, such orders should be capable of revision from time to time. Necessary provisions in this behalf have been made in sub-clauses (3), (4), (5) and (6).

Clause 29:

The Committee feel that the presumption under this clause, which applies at present only in the case of goats, should be extended to cow and its progeny. The clause has been amended accordingly.

Clause 31:

The changes made in the clause are on the lines of the provisions contained in clause 33 of the Bill.

Clause 37:

Sub-clause (2):

Item (b).—It has been made clear that the load referred to in sub-clause (2) (b) includes the weight of passengers, if carried.

Original item (e).—Sub-Clause (2) (e) of the original Bill has been deleted as the Committee feel that the provisions contained therein are covered by various State and Central Laws dealing with cattle trespass and impounding of animals.

Item (h) [original item (i)].—The Committee feel that the precautions to be taken in the transport of animals should be extended to animals transported by air also.

New item (k).—The Committee have provided that rules may be made for prescribing the purposes for which fines realized under the Act may be applied, including such purposes as the maintenance of infirmaries, *pinjrapoles* and veterinary hospitals.

Sub-clause (4):

The changes made are to bring this provision into conformity with the standard clause now accepted by Parliament.

Clause 40:

The clause has been redrafted in order to meet the situation when the Act is brought into force piecemeal.

11. The Joint Committee recommend that the Bill as amended be passed.

NEW DELHI;
February 15, 1960.

H. N. KUNZRU,
Chairman of the Joint Committee.

MINUTES OF DISSENT

I

At the very outset, I have to express my dissent for the illogical approach of this Bill.

This Bill includes prohibition of sacrifice of animals in the name of religion in clause 9, item (f). The sacrifice is made by Hindus, Muslims and many other races in India. It is a religious obligation upon Muslims on the day of 'Bakrid'. So, I think the Bill interferes with the religious rights and customs of both Hindus and Muslims alike.

It is deplorable that according to this Bill killing an animal in the name of religion is cruelty to animals; and if it is killed for other purposes—it is not cruelty. I entertain different views on this point.

Secondly, item (1) of sub-section 1 of clause 11 deals with the killing of animals in a cruel manner, which is also an impracticable proposition. It will deprive the Hill tribes of their customary rights. In their demands we find that they only reiterate that *no law should be enforced on their religious and social practices and customary rights*.

I represent Assam, which has the largest number of tribal people of the Union. Practically all the hill-tribes of Assam are meat eaters. They are good hunters; they hunt and kill animals according to their liking; they are ignorant about cruelty in killing animals. They also sacrifice animals at the altar of their deities. So, if the Bill is passed, as it is, it would be going against the tribal people whose interest, we all are pledged to protect.

As regards clause 29 I am to say that this clause is clearly against killing an animal or a bird according to Muslim religion. The retention of this clause, in my opinion would provide ample possibilities to unscrupulous elements to harass the Muslims. Because, according to Islamic injunctions, Muslims have to kill an animal in a particular way, which is known as '*Halal*', by this method the head is not separated from the body; otherwise, it will become '*Haram*' (forbidden as food).

So, it is apparent that this clause would lead to prevention of religious rights and practices of the minorities, which has been guaranteed by the Constitution of India. I, therefore, emphasise that clause 29 should be deleted completely.

The principal lacuna of the Bill is that—it has not incorporated any specific provision for '*Halal*'.

NEW DELHI;
February 15, 1960.

MAFIDA AHMED

II

I am afraid I do not agree with some of the provisions of the Bill.

The Bill is for the prevention of cruelty to animals. The Bill allows killing of animals for sports etc. and vivisection of animals for experiments. These, in my opinion, should not be allowed. The very killing of animals for sports or vivisection of animals for experiments is cruelty. Animals may be killed in defence of person or property. Many eminent surgeons and scientists have agreed that vivisection has in no way advanced the science of medicine or tended to improve the treatment of diseases. Major operations on animals should always be done under the influence of anaesthetics.

The method of castration as adopted by some village quacks in crushing the testicles with stones and under two bamboo pieces is definitely an act of cruelty. This method should be prohibited. Castration should be done by a veterinary surgeon.

Branding of animals is cruelty and serves no useful purpose in India.

If any person allows his animal to go at large in any street, he should be punished.

Cruelty is generally involved in the training of animals for exhibition. It is, therefore, necessary to educate the trainers of such animals by prescribing a course of training without cruelty.

NEW DELHI;
February 15, 1960.

TAJAMUL HUSAIN

III

I am sorry that owing to difference of opinion on some essential points in the report I am constrained to write this note of dissent.

To start with, I do not accept the name of the Bill itself. The Bill was so drafted as to be in some places extremely narrow in its outlook and in some places impracticable to be observed.

The word animal has now been defined rather too widely with the result that necessary provisions which would have aptly been applicable to certain classes of bigger animals could not be made. Moreover, the right of killing animals has been assumed and all kinds of cruelty involved in killing has been condoned. To my mind killing itself involves the highest cruelty. It was assumed that this Bill was not meant to touch that necessary pain and suffering which was involved in killing. The scope of the Bill was thus narrowed down and consequently the functions of the Board could not be extended beyond the circumscribed limits chalked out by this assumption.

In laying down the duties of person having charge of animals it is expected that such person must take all reasonable measures to ensure the well-being of the animal and prevent the infliction of unnecessary pain or suffering and in so doing he shall not beat, kick, over-drive, over-ride or permit, if he is an owner, any other person to do so.

To my mind these provisions are unworkable and subject a person to a contingent harassment at the hands of the police. No pony specially a tonga-pony or a he-buffalo, draught animal would perform the duty expected of it without being beaten or kicked. Some other provisions also are difficult of observance in practice. Such law defeats its own purpose as must the practice be more observed in breach than in obedience.

The Board, it was pointed out, had only recommendatory functions and not any executive authority though the functions defined are not confined to recommendatory functions only. It were better if executive functions were also given to the Board to achieve the purpose for which it is brought into existence and members were allowed to extend the scope of its powers.

The definition of unwanted animals in para (g) of clause 9, should have been made clear. The word 'needlessly' in para (1) of sub-clause (1) of clause 11 jars against one's sense of decency and is certainly needless when mutilation and killing of animals have already been made offences under the Indian Penal Code and punishable with much severer punishment. The punishment of Rs. 25 for first offence and very lenient sentences subsequently are quite ineffective and may in some cases where killing or mutilation is lucrative provide an incentive. The principle of prolonging life as much as possible in the case of human beings should have been applied to animals also. From a subjective point of view it can be assumed that all sentient beings desire prolongation of life and would not like to be killed. Anyhow, it is not fair to kill any animals only because some one thinks it is cruel to keep the animal alive specially if there is a possibility of its cure from malady or suffering. Voluntary destruction of animals as a principle is, therefore, unjustifiable and anyhow such a practice ought to be hedged in by very strict restrictions and in my opinion section 13 and other sections have not been so hedged in

Similarly as regards experimentation of animals no experimentation should have been allowed except for the purposes mentioned in the Bill and that too under a license given and regulated and controlled by a Committee which ought to have been appointed under the provisions of this Bill. It should not have been left to be appointed in future.

I am sorry I was not able to attend two meetings of the Joint Committee as the time of the meeting of the Committee clashed with the time of the meeting of the Lok Sabha and in the Lok Sabha two Bills were being considered in which I was interested, and my amendments must have been considered on these two occasions in my absence. I am not satisfied with the report of the Committee as it does not go as far as I wished it to go and on some points it goes further and transgresses the limits of practicability. I, therefore, propose to move amendments to the Bill when the Bill comes before the Lok Sabha.

THAKUR DAS BHARGAVA

NEW DELHI.

February 15, 1960.

IV

The object of this Bill is to prevent cruelty to animals. The Bill prescribes punishment for beating, kicking, over-riding, over driving, over loading, torturing or otherwise treating an animal so as to subject it to unnecessary pain and suffering; but amazingly enough it is silent on the tremendous amount of cruelty involved in the killing of animals for food in slaughter houses. Thousands of animals are killed daily in our slaughter houses and most cruel and uncivilized methods are employed for killing them. It is strange that this aspect of cruelty has altogether been overlooked and kept beyond the purview of this Bill. Slaughter house in India is a place where cruelty sits incarnate, but it is a parody that the Bill tries to seek it elsewhere.

Most of the foreign countries have devised several humane methods of killing where animals are rendered insensible to pain at the time of slaughter by mechanical, electrical or some other methods. If Western countries can adopt humane methods of killing, I fail to understand, why we who claim to be adherents of non-violence cannot adopt such methods here. The Committee of Prevention of Cruelty to Animals did in fact make positive recommendations for adoption of some such method suitable to Indian conditions. I am therefore of the view that this Bill should include a provision for stunning the animals before killing them at least in the slaughter houses. Without such a provision the Bill will forfeit its own object.

CHANDRAVATI LAKHANPAL

NEW DELHI;
February 16, 1960.

V

पशु निर्दयता निवारण सम्बन्धी विधेयक के उद्देश्यों तथा उसकी मूल भावनाओं से मैं सामान्यतया सहमत हूँ परन्तु विधेयक में वर्णित कुछ अनुच्छेदों से मेरी असहमति है। विधेयक में इस बात की व्यवस्था की गई है कि पशुओं के प्रति नित्य होने वाले अत्याचार रोकने के हेतु एक पशु कल्याण बोर्ड (एनीमल वेल्फेयर बोर्ड) की स्थापना की जायेगी जिस का कार्य समय समय पर पशुओं की भलाई के लिये नियम आदि बनाना होगा। मैं समझता हूँ कि उक्त बोर्ड की कोई आवश्यकता नहीं है। नियम आदि बनाने का कार्य कृषि मंत्रालय स्वयं भी कर सकता है जिससे बोर्ड पर व्यय होने वाला धन एवं समय की बचत हो सकती है। इसके अतिरिक्त बोर्ड के गठन का स्वरूप देखते हुए भी उससे किसी ठोस कार्य करने की आशा नहीं की जा सकती।

विधेयक में पशुओं पर निर्दयतापूर्वक व्यवहार करने वाले व्यक्ति के विरुद्ध जो दण्ड की व्यवस्था की गई है देश की सामान्य जनता की गरीबी को देखते हुए अत्यधिक है। ऐसा लगता है कि एक तरफ तो पशुओं के प्रति अत्यधिक दयावान् होते जा रहे हैं और दूसरी तरफ मनुष्यों के प्रति निर्दय होते जा रहे हैं। क्योंकि इस विधेयक का मुख्य प्रभाव नगर व देहात की गरीब जनता पर ही पड़ेगा, मेरी दृष्टि में प्रथम अपराधी को १ माह तक दण्डित करने के स्थान पर १५ दिन तथा एक से अधिक बार अपराध करने वाले को १०० रुपये अथवा ३ माह तक दण्डित करने के स्थान पर ५० रुपये अथवा एक माह तक दण्डित करने की व्यवस्था होनी चाहिए।

जयबीश अवस्थी

नई दिल्ली;

फरवरी १६, १९६०।

VI

I am sorry I cannot agree with the majority of my colleagues of the Joint Committee for the Prevention of Cruelty to Animals Bill, 1959. So I send my dissent to it.

Too much has been made of the animals. Animals are primarily intended for the service of man. But a fetish of animals is being done in order to confuse and make the Bill absolutely unworkable. In clause 2(a) "any living creature other than the human being" could not have been the intention of the framers. It has brought in its scope not only fish and insects but also mosquitoes and flies. I do not know how this could be worked out.

In clause 11(1) "beats, kicks and over-rides" are the provisions sought to be included. In practical views this is not at all workable.

In sub-clause 3(e) of clause 11 allowance has been made for the destruction of animals for preparation of food. I have seen animals like pigs being killed for food. Here the word "unnecessary pain" occurs unnecessarily. My Christian friends particularly in hill areas kill pigs in a very violent manner. They cannot conceive of killing a pig without spearing. The animal is speared and it dies a very lingering death after groans and shrieks for a considerably long time. Everyone in the villages does not possess guns and so spearing is the only method

Killing of animals has been sanctioned for the purpose of eating. But sacrifice to God has been eliminated. You can take the life of an animal for the purpose of food, but you cannot do it in the name of God.

In clause 29 "the skin of any animal as referred to in this section with any part of the skin of the head attached thereto" will be presumed to have been brought within the mischief of clause (1), sub-clause 1 of section 11. This is a danger to which Muslims shall be exposed. For it fits in exactly with the practice of *Zabah*. It will give a right handle to the unscrupulous persons and enemies to harass innocent villagers. This provision is said to be in existence without any trouble till now, in the old Act. Days have changed. A law afresh has become necessary. So we should be careful not to give anti-social elements any opportunity to create disturbances

by giving it the face-meaning rather than go to the inner meaning of it. I want that the intention of the legislature should be clearly brought out to give the meaning without any ambiguity.

So I preserve the right of moving my amendments to the Bill when it comes before the House.

AMJAD ALI

NEW DELHI;
February 16, 1960.

VII

I agree with the Bill in general as amended in the Joint Committee but in some cases I differ from the manner as original provision of the Bill approved by the Committee. In clause 11(1) (a), punishment provided for minor offences such as beats and kicks is unnecessary. This provision of the law is going to be executed in every corner of India. The poor farmers who are sometimes compelled to beat the bullocks in the ploughing fields will be dragged to the court of law and thereby it will cause a great disturbance to the peaceful life of the peasants.

A jockey in a horse usually kicks a horse with the stirrup. People do not beat or kick their own animals mercilessly or deliberately, so 'beats' and 'kicks' should be *deleted*.

2. Local authority should mean *Gram Panchayats*.

3. I have seen the horrible picture in some of the pavillions of the World Agricultural Fair that living chickens have been given food to the snakes in the cage. In this manner the birds get terrified. It certainly causes cruelty towards them. There should be some penal clause to punish persons giving live animals for food for certain wild animals.

4. I do not agree to give an exemption from penalties to branding animals. I have seen that branding is done in a very cruel and bad manner on the body of the animals which means sufferings. Branding of bulls, bullocks and cows is done on a religious ground in rural areas. It is an evil practice. It should be done away with. I have no objection to the boring of the nose of the animals in certain cases.

5. I do not agree to retain the words "Police Officer" as approved by the Committee in clause 13(3). It is unnecessary to give power to the Police Officer to remove the deceased or severely injured animals for destruction only. In this case the power can be given to the Veterinary Officer or the Local Authority or any other person (as amended in the Bill) authorised by the Government in order to avoid the chance of corruption and harassment.

6. Therefore, I retain my right of moving amendments in the House.

B. C. MULLICK

NEW DELHI;
February 16, 1960.

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VIII

I welcome the Bill as amended by the Joint Committee with some reservations. I do not agree with some of the provisions of the Bill which may cause lot of inconvenience and hardship to thousands of agriculturists in the country.

For instance offences mentioned in section 11(1) (a), (b) and (k) are vague and they can easily be used as a weapon to harass the poor and illiterate peasants by inexperienced and unthoughtful officers. There is no measure of determining the quantum of cruelty inflicted in such cases. Experience in the past has shown that poor peasants driving their bullocks with small sore or wound were harassed by S.P.C.A. Inspectors and deprived of their cattle for a long time.

Provision should be made in the long run for supply of alternative cattle to farmers to carry on their avocation if their cattle are detained in the infirmaries, *pinjarapoles* etc.

Section 11 (1) (k) will be a source of trouble to those who offer cattle for sale in the weekly markets when the Act is extended to rural areas.

The punishment of imprisonment for the first offence provided in section 11 (1) is too much and should be deleted from the Bill.

The power of forfeiture of the cattle to the Government given under section 28 (1) should be done away with at least in regard to offences under section 11 (1) (a), (b) and (k).

Section 34 (1) should be modified to the effect that the cattle of farmers should not be kept in detention before it is produced before a magistrate for more than one working day.

The principle of utilising the fines realised under this Act for maintenance of *pinjarapoles*, infirmaries and veterinary hospitals will work a great havoc on the offenders and I feel is not in conformity with the laudable objects of the Bill. Care should be taken not to inflict cruelty on men by trying to prevent cruelty on animals.

The offences committed under section 11 (1) (a) and section 37 (1) (b) are same but as different punishment is provided the punishment provided in section 37 (3) should be brought in line with the other.

Intensive propaganda should be carried on in the villages in favour of humane treatment of animals before this Act is extended to rural areas.

K. S. RAMASWAMY

NEW DELHI;
February 16, 1960.

IX

I regret I am unable to agree wholly with the Bill as it has emerged from the Joint Committee. Prevention of infliction of unnecessary pain or suffering on animals is a worthy object in respect of which there can be no two opinions.

But I feel that while some of the provisions of this Bill in attempting to seem comprehensive often overshoot the mark and by going into details actually provide gaping implementational loop-holes, there are others which hopelessly fall short of the objects the Bill has placed before itself.

Clause 11 (1), for instance, states that 'if any person beats, kicks, over-rides, over-loads, tortures, or otherwise treats any animal so as to subject it to unnecessary pain.....he shall be punishable ' etc. Evidently this long sequence of verbs which includes such as "over-rides" and "over-loads"—actions, not precisely assessable will make such a provision liable to be arbitrarily misused by the executive.

I am unable to appreciate the Committee's hesitation in dealing squarely with the issues of *Halal* and animal sacrifice. By refusing to include *Halal* specifically in clause 11 (1) (1) providing that this clause would not except this agonising method of animal slaughter and then by confining its opinion on the forbidding of animal sacrifice to just a piously powerless observation that the Animal Welfare Board will "take all such measures as the Board may think fit, whether by means of propaganda or otherwise, to eliminate the sacrifice of animals", the Committee has failed to demonstrate a much-needed determination to combat decrepit customs which flourish under the protecting veil of religion, and in fact defame religion itself.

The Committee has failed to keep in mind the fact that the Indian Constitution, in due deference to the sentiments of its people no less than because of the economic structure of the country, has placed the cow and its progeny on a footing apart from the rest of animals. Quite a few of its provisions seem to forget the fact that cow-slaughter is legally banned in a number of States while there is a persistent demand in the remaining for similar legislation. These

provisions appear to encourage cow-slaughter only if such slaughter is painless. Evidently these are repugnant to the spirit of the Constitution.

As in the case of all other Bills similarly worded, here too I am unable to understand why the State of Jammu & Kashmir should be deprived of the benefits of this Bill.

Hence this Note of Dissent.

A. B. VAJPAYEE

NEW DELHI;

February 16, 1960.

THE PREVENTION OF CRUELTY TO ANIMALS BILL, 1959

ARRANGEMENT OF CLAUSES

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Bill No. VII-B of 1959

**THE PREVENTION OF CRUELTY TO ANIMALS
BILL, 1959**

(AS REPORTED BY THE JOINT COMMITTEE)

*(Words side-lined or underlined indicate the amendments suggested
by the Committee; asterisks indicate omissions.)*

**A
BILL**

*to prevent the infliction of unnecessary pain or suffering on animals
and for that purpose to amend the law relating to the preven-
tion of cruelty to animals.*

BE it enacted by Parliament in the Eleventh Year of the Republic
of India as follows:—

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Prevention of Cruelty to Short title,
Animals Act, 1960. extent and
commence-
ment.

(2) It extends to the whole of India except the State of Jammu
and Kashmir.

(3) It shall come into force on such date as the Central Govern-
ment may, by notification in the Official Gazette, appoint, and
different dates may be appointed for different States and for the
different provisions contained in this Act.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) “animal” means any living creature other than a human
being;

(b) "Board" means the Animal Welfare Board established under section 4;

(c) "captive animal" means any animal (not being a domestic animal) which is in captivity or confinement, whether permanent or temporary, or which is subjected to any appliance or contrivance for the purpose of hindering or preventing its escape from captivity or confinement or which is pinioned or which is or appears to be maimed;

(d) "domestic animal" means any animal which is tamed or which has been or is being sufficiently tamed to serve some purpose for the use of man or which, although it neither has been nor is being nor is intended to be so tamed, is or has become in fact wholly or partly tamed;

(e) "local authority" means a municipal committee, district board or other authority for the time being invested by law with the control and administration of any matters within a specified local area;

(f) "owner", used with reference to an animal, includes not only the owner but also any other person for the time being in possession or custody of the animal, whether with or without the consent of the owner;

(g) "phooka" or "doom dev" includes any process of introducing air or any substance into the female organ of a milch animal with the object of drawing off from the animal any secretion of milk;

(h) "prescribed" means prescribed by rules made under this Act;

(i) "street" includes any way, road, lane, square, court, alley, passage or open space, whether a thoroughfare or not, to which the public have access.

Duties of persons having charge of animals.

3. It shall be the duty of every person having the care or charge of any animal to take all reasonable measures to ensure the well-being of such animal and to prevent the infliction upon such animal of unnecessary pain or suffering.

CHAPTER II

ANIMAL WELFARE BOARD

Establishment of Animal Welfare Board.

4. (1) For the promotion of animal welfare generally and for the purpose of protecting animals from being subjected to unnecessary pain or suffering, in particular, there shall be established by the Central Government, as soon as may be after the commencement of this Act, a Board to be called the Animal Welfare Board.

(2) The Board shall be a body corporate having perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire, hold and dispose of property and may by its name sue and be sued.

5. (1) The Board shall consist of the following persons, namely:— Constitution
of the Board.

(a) the Inspector-General of Forests, Government of India, *ex officio*;

(b) the Animal Husbandry Commissioner to the Government of India, *ex officio*;

(c) one person to represent such association of veterinary practitioners as in the opinion of the Central Government ought to be represented on the Board, to be elected by that association in the prescribed manner;

(d) two persons to represent practitioners of modern and indigenous systems of medicine, to be nominated by the Central Government;

(e) one person to represent each of the municipal corporations of Bombay, Calcutta, Delhi and Madras, and one person to represent any other municipal corporation as, in the opinion of the Central Government, ought to be represented on the Board, to be elected by each of the said corporations in the prescribed manner;

(f) one person to represent each of such three organisations actively interested in animal welfare as in the opinion of the Central Government ought to be represented on the Board, to be chosen by each of the said organisations in the prescribed manner;

(g) one person * * * to represent each of such three societies dealing with prevention of cruelty to animals * * as in the opinion of the Central Government ought to be represented on the Board, to be chosen in the prescribed manner;

(h) three persons to be nominated by the Central Government;

(i) six members of Parliament, four to be elected by the House of the People (Lok Sabha) and two by the Council of States (Rajya Sabha);

(2) Any of the persons referred to in clause (a) or clause (b) of sub-section (1) may depute any other person to attend any of the meetings of the Board.

(3) One of the members of the Board shall be nominated by the Central Government to be its Chairman.

Term of office and conditions of service of members of the Board.

6. (1) Save as otherwise provided in this section, the term of office of a member of the Board shall be three years.

(2) Subject to the provisions contained in sub-section (4), the term of office of the member elected to represent any municipal corporation (other than the corporations of Bombay, Calcutta, Delhi and Madras) shall be one year from the date on which such member assumes office.

(3) The term of office of an *ex officio* member shall continue so long as he holds the office by virtue of which he is such a member.

(4) The term of office of a member elected or chosen under clause (c), clause (e), clause (f), clause (g) or clause (i) of section 5 to represent any body of persons shall come to an end as soon as he ceases to be a member of the body which elected him or in respect of which he was chosen.

(5) The term of office of a member nominated, elected or chosen to fill a casual vacancy shall continue for the remainder of the term of office of the member in whose place he is nominated, elected or chosen.

(6) The members of the Board shall receive such allowances, if any, as the Board may, subject to the previous approval of the Central Government, provide by regulations made by it in this behalf.

(7) No act done or proceeding taken by the Board shall be questioned on the ground merely of the existence of any vacancy in, or defect in the constitution of, the Board.

Secretary and other employees of the Board.

7. (1) The Central Government shall appoint one of its officers to be the Secretary of the Board.

(2) Subject to such rules as may be made by the Central Government in this behalf, the Board may appoint such number of other officers and employees as may be necessary for the exercise of its powers and the discharge of its functions and may determine the terms and conditions of service of such officers and other employees by regulations made by it with the previous approval of the Central Government.

8. The funds of the Board shall consist of grants made to it from time to time by the Government and of contributions, donations, subscriptions, bequests, gifts and the like made to it by any local authority or by any other person.

Funds of the Board.

9. The functions of the Board shall be—

Functions of the Board.

(a) to keep the law in force in India for the prevention of cruelty to animals under constant study and advise the Government on the amendments to be undertaken in any such law from time to time;

(b) to advise the Central Government on the making of rules under this Act with a view to preventing unnecessary pain or suffering to animals generally, and more particularly when they are being transported from one place to another or when they are used as performing animals or when they are kept in captivity or confinement;

(c) to advise the Government or any local authority or other person on improvements in the design of vehicles so as to lessen the burden on draught animals;

(d) to take all such steps as the Board may think fit for ameliorating the condition of beasts of burden by encouraging, or providing for, the construction of sheds, water-troughs and the like and by providing for veterinary assistance to animals;

(e) to advise the Government or any local authority or other person in the design of slaughter-houses or in the maintenance of slaughter-houses or in connection with slaughter of animals so that unnecessary pain or suffering, whether physical or mental, is eliminated in the pre-slaughter stages as far as possible, and animals are killed, wherever necessary, in as humane a manner as possible;

(f) to take all such measures as the Board may think fit, whether by means of propaganda or otherwise, to eliminate the sacrifice of animals * * * *;

(g) to take all such steps as the Board may think fit to ensure that unwanted animals are destroyed by local authorities, whenever it is necessary to do so, either instantaneously or after being rendered insensible to pain or suffering;

(h) to encourage, by the grant of financial assistance or otherwise, the formation of *pinjrapoles*, sanctuaries and the like where animals and birds may find a shelter when they have become old and useless or when they need protection;

(i) to co-operate with, and co-ordinate the work of, associations or bodies established for the purpose of preventing unnecessary pain or suffering to animals or for the protection of animals and birds;

(j) to give financial and other assistance to animal welfare organisations functioning in any local area or to encourage the formation of animal welfare organisations in any local area which shall work under the general supervision and guidance of the Board;

(k) to advise the Government on matters relating to the medical care and attention which may be provided in animal hospitals and to give financial and other assistance to animal hospitals whenever the Board thinks it necessary to do so;

(l) to impart education in relation to the humane treatment of animals and to encourage the formation of public opinion against the infliction of unnecessary pain or suffering to animals and for the promotion of animal welfare by means of lectures, books, posters, cinematographic exhibitions and the like;

(m) to advise the Government on any matter connected with animal welfare or the prevention of infliction of unnecessary pain or suffering on animals.

Power of
Board to
make regula-
tions.

10. The Board may, subject to the previous approval of the Central Government, make such regulations as it may think fit for the administration of its affairs and for carrying out its functions.

CHAPTER III

CRUELTY TO ANIMALS GENERALLY

Treating
animals
cruelly.

11. (1) If any person—

(a) beats, kicks, over-rides, over-drives, over-loads, tortures or otherwise treats any animal so as to subject it to unnecessary pain or suffering or causes or, being the owner permits, any animal to be so treated; or

(b) employs in any work or labour any animal which, by reason of any disease, infirmity, wound, sore or other cause, is unfit to be so employed or, being the owner, permits any such unfit animal to be so employed; or

(c) wilfully and unreasonably administers any injurious drug or injurious substance to any domestic or captive animal or wilfully and unreasonably causes or attempts to cause any

such drug or substance to be taken by any domestic or captive animal; or

(d) conveys or carries, whether in or upon any vehicle or not, any animal in such a manner or position as to subject it to unnecessary pain or suffering; or

(e) keeps or confines any animal in any cage or other receptacle which does not measure sufficiently in height, length and breadth to permit the animal a reasonable opportunity for movement; or

(f) keeps for an unreasonable time any animal chained or tethered upon an unreasonably short or unreasonably heavy chain or cord; or

(g) being the owner, neglects to exercise or cause to be exercised reasonably any dog or other animal habitually chained up or kept in close confinement; or

(h) being the owner of any captive animal, fails to provide such animal with * * sufficient food, drink or shelter; or

(i) without reasonable cause, abandons any animal in circumstances which render it likely that it will suffer pain by reason of starvation or thirst; or

(j) wilfully permits any animal, of which he is the owner, to go at large in any street while the animal is affected with contagious or infectious disease or, without reasonable excuse permits any diseased or disabled animal, of which he is the owner, to die in any street; or

(k) offers for sale or, without reasonable cause, has in his possession any animal which is suffering pain by reason of mutilation, starvation, thirst, overcrowding or other ill-treatment; or

(l) needlessly mutilates any animal or kills any animal in a * * cruel manner; or

(m) confines or causes to be confined any animal in such a manner as to make it an object of prey for any other animal solely with a view to providing entertainment for other persons;
or

(n) for the purposes of his business, organises, keeps, uses or acts in the management of, any place for animal fighting or for the purpose of baiting any animal or permits or offers any place to be so used or receives money for the admission of any other person to any place kept or used for any such purposes; or

(o) promotes or takes part in any shooting match or competition wherein animals are released from captivity for the purpose of such shooting;

(p) uses upon any animal any appliance with a sharp point except for medical purposes;

he shall be punishable, in the case of a first offence, with fine which may extend to twenty-five rupees, or with imprisonment for a term which may extend to one month, or with both, and, in the case of a second or subsequent offence committed within three years of the previous offence, with fine which may extend to one hundred rupees, or with imprisonment for a term which may extend to three months, or with both.

(2) For the purposes of sub-section (1), an owner shall be deemed to have committed an offence if he has failed to exercise reasonable care and supervision with a view to the prevention of such offence:

Provided that where an owner is convicted of permitting cruelty by reason only of having failed to exercise such care and supervision, he shall not be liable to imprisonment without the option of a fine.

(3) Nothing in this section shall apply to—

(a) the dehorning of cattle, or the castration or branding of any animal, in the prescribed manner; or

(b) the destruction of stray dogs in lethal chambers or by other methods with a minimum of suffering; or

(c) the extermination or destruction of any animal under the authority of any law for the time being in force; or

(d) any matter dealt with in Chapter IV; or

(e) the commission or omission of any act in the course of the destruction or the preparation for destruction of any animal as food for mankind unless such destruction or preparation was accompanied by the infliction of unnecessary pain or suffering.

12. If any person performs upon any cow or other milch animal the operation called *phooka* or *doom dev* or permits such operation being performed upon any such animal in his possession or under his control, he shall be punishable with fine which may extend to one thousand rupees, or with imprisonment for a term which may extend to two years, or with both, and the animal on which the operation was performed shall be forfeited to the Government.

Penalty
practising
phooka or
doom dev.

13. (1) Where the owner of an animal is convicted of an offence under section 11, it shall be lawful for the court, if the court is satisfied that it would be cruel to keep the animal alive, to direct that the animal be destroyed and to assign the animal to any suitable person for that purpose, and the person to whom such animal is so assigned shall, as soon as possible, destroy such animal or cause such animal to be destroyed in his presence without unnecessary suffering, and any reasonable expense incurred in destroying the animal may be ordered by the court to be recovered from the owner as if it were a fine:

Destruction
of suffering
animals.

Provided that unless the owner assents thereto, no order shall be made under this section except upon the evidence of a veterinary officer in charge of the area.

(2) When any magistrate, commissioner of police or district superintendent of police has reason to believe that an offence under section 11 has been committed in respect of any animal, he may direct the immediate destruction of the animal, if in his opinion, it would be cruel to keep the animal alive.

(3) Any police officer above the rank of a constable or any person authorised by the State Government in this behalf who finds any animal so diseased or so severely injured or in such a physical condition that in his opinion it cannot be removed without cruelty, may, if the owner is absent or refuses his consent to the destruction of the animal, forthwith summon the veterinary officer in charge of the area in which the animal is found, and if the veterinary officer certifies that the animal is mortally injured or so severely injured or in such a physical condition that it would be cruel to keep it alive, the police officer or the person authorised, as the case may be, may, after obtaining orders from a magistrate, destroy the animal injured or cause it to be destroyed.

(4) No appeal shall lie from any order of a magistrate for the destruction of an animal.

CHAPTER IV

EXPERIMENTATION ON ANIMALS

Experiments
on animals.

14. Nothing contained in this Act shall render unlawful the performance of experiments (including experiments involving operations) on animals for the purpose of advancement by new discovery of physiological knowledge or of knowledge which will be useful for saving or for prolonging life or alleviating suffering or for combating any disease, whether of human beings, animals or plants.

Committee
for control
and super-
vision of
experiments
on animals.

15. (1) If at any time, on the advice of the Board, the Central Government is of opinion that it is necessary so to do for the purpose of controlling and supervising experiments on animals, it may, by notification in the Official Gazette, constitute a Committee consisting of such number of * * officials and non-officials, as it may think fit to appoint thereto.

(2) The Central Government shall nominate one of the members of the Committee to be its Chairman.

(3) The Committee shall have power to regulate its own procedure in relation to the performance of its duties.

(4) The funds of the Committee shall consist of grants made to it from time to time by the Government and of contributions, donations, subscriptions, bequests, gifts and the like made to it by any person.

Staff of the
Committee.

16. Subject to the control of the Central Government, the Committee may appoint such number of officers and other employees as may be necessary to enable it to exercise its powers and perform its duties, and may determine the remuneration and other terms and conditions of service of such officers and other employees.

Duties of
the Commit-
tee and
power of the
Committee
to make rules
relating to
experiments
on animals.

17. (1) It shall be the duty of the Committee to take all such measures as may be necessary to ensure that animals are not subjected to unnecessary pain or suffering before, during or after the performance of experiments on them, and for that purpose it may, by notification in the Gazette of India and subject to the condition of previous publication, make such rules as it may think fit in relation to the conduct of such experiments.

(2) In particular, and without prejudice to the generality of the foregoing power, rules made by the Committee shall be designed to secure the following objects, namely:—

(a) that in cases where experiments are performed in any institution, the responsibility therefor is placed on the person

in charge of the institution and that, in cases where experiments are performed outside an institution by individuals, the individuals are qualified in that behalf and the experiments are performed on their full responsibility;

(b) that experiments are performed with due care and humanity, and that as far as possible experiments involving operations are performed under the influence of some anæsthetic of sufficient power to prevent the animals feeling pain;

(c) that animals which, in the course of experiments under the influence of anæsthetics, are so injured that their recovery would involve serious suffering, are ordinarily destroyed while still insensible;

(d) that experiments on animals are avoided wherever it is possible to do so; as for example, in medical schools, hospitals, colleges and the like, if other teaching devices such as books, models, films and the like may equally suffice;

(e) that experiments on larger animals are avoided when it is possible to achieve the same results by experiments upon small laboratory animals like guinea-pigs, rabbits and rats;

(f) that experiments are not performed merely for the purpose of acquiring manual skill;

(g) that animals intended for the performance of experiments are properly looked after both before and after experiments;

(h) that suitable records are maintained with respect to experiments performed on animals.

(3) In making any rules under this section, the Committee shall be guided by such directions as the Central Government (consistently with the objects for which the Committee is set up) may give to it, and the Central Government is hereby authorised to give such directions.

(4) All rules made by the Committee shall be binding on all individuals performing experiments outside institutions and on persons in charge of institutions in which experiments are performed.

18. For the purpose of ensuring that the rules made by it are being complied with, the Committee may authorise any of its off-
978 Gof I Ex.—5. Power of entry and inspection.

cers or any other person in writing to inspect any institution or place where experiments are being carried on and report to it as a result of such inspection, and any officer or person so authorised may--

(a) enter at any time considered reasonable by him and inspect any institution or place in which experiments on animals are being carried on; and

(b) require any person to produce any record kept by him with respect to experiments on animals.

Power to prohibit experiments on animals.

19 If the Committee is satisfied, on the report of any officer or other person made to it as a result of any inspection under section 18 or otherwise, that the rules made by it under section 17 are not being complied with by any person or institution carrying on experiments on animals, the Committee may, after giving an opportunity to the person or institution of being heard in the matter, by order, prohibit the person or institution from carrying on any such experiments either for a specified period or indefinitely, or may allow the person or institution to carry on such experiments subject to such special conditions as the Committee may think fit to impose.

Penalties.

20. If any person—

(a) contravenes any order made by the Committee under section 19; or

(b) commits a breach of any condition imposed by the Committee under that section;

he shall be punishable with fine which may extend to two hundred rupees and, when the contravention or breach of condition has taken place in any institution, the person in charge of the institution shall be deemed to be guilty of the offence and shall be punishable accordingly.

CHAPTER V

PERFORMING ANIMALS

“Exhibit” and “train” defined.

21. In this Chapter, “exhibit” means exhibit at any entertainment to which the public are admitted through sale of tickets, and “train” means train for the purpose of any such exhibition, and the expressions “exhibitor” and “trainer” have respectively the corresponding meanings.

22. No person shall exhibit or train—

(i) any performing animal unless he is registered in accordance with the provisions of this Chapter;

(ii) as a performing animal, any animal which the Central Government may, by notification in the Official Gazette, specify as an animal which shall not be exhibited or trained as a performing animal.

Restriction
on exhibition
and training
of perform-
ing animals.

23. (1) Every person desirous of exhibiting or training any performing animal shall, on making an application in the prescribed form to the prescribed authority and on payment of the prescribed fee, be registered under this Act unless he is a person who, by reason of an order made by the court under this Chapter, is not entitled to be so registered.

Procedure
for registra-
tion.

(2) An application for registration under this Chapter shall contain such particulars as to the animals and as to the general nature of the performances in which the animals are to be exhibited or for which they are to be trained as may be prescribed, and the particulars so given shall be entered in the register maintained by the prescribed authority.

(3) The prescribed authority shall give to every person whose name appears on the register kept by them, a certificate of registration in the prescribed form containing the particulars entered in the register.

(4) Every register kept under this Chapter shall at all reasonable times be open for inspection on payment of the prescribed fee, and any person shall, on payment of the prescribed fee, be entitled to obtain copies thereof or make extracts therefrom.

(5) Any person whose name is entered in the register shall, subject to the provisions of any order made under this Act by any court, be entitled, on making an application for the purpose, to have the particulars entered in the register with respect to him varied, and where any such particulars are so varied, the existing certificate shall be cancelled and a new certificate issued.

24. (1) Where it is proved to the satisfaction of any magistrate, on a complaint made by a police officer or an officer authorised in writing by the prescribed authority referred to in section 23, that the training or exhibition of any performing animal has been accompanied by unnecessary pain or suffering and should be prohibited or allowed only subject to conditions, the court may make an order against the person in respect of whom the complaint is made, prohibiting the training or exhibition or imposing such conditions in relation thereto, as may be specified by the order.

Power of
court to
prohibit or
restrict ex-
hibition and
training of
performing
animals.

(2) Any court by which an order is made under this section shall cause a copy of the order to be sent, as soon as may be after the order is made, to the prescribed authority by which the person against whom the order is made is registered, and shall cause the particulars of the order to be endorsed upon the certificate held by that person, and that person shall produce his certificate on being so required by the court for the purposes of endorsement, and the prescribed authority to which a copy of an order is sent under this section shall enter the particulars of the order in that register.

Power to
enter
premises.

25. (1) Any person authorised in writing by the prescribed authority referred to in section 23 and any police officer not below the rank of a sub-inspector may—

(a) enter at all reasonable times and inspect any premises in which any performing animals are being trained or exhibited or kept for training or exhibition, and any such animals found therein; and

(b) require any person who, he has reason to believe, is a trainer or exhibitor of performing animals to produce his certificate of registration;

(2) No person or police officer referred to in sub-section (1) shall be entitled under this section to go on or behind the stage during a public performance of performing animals.

Offences.

26. If any person—

(a) not being registered under this Chapter, exhibits or trains any performing animal; or

(b) being registered under this Act, exhibits or trains any performing animal with respect to which, or in a manner with respect to which, he is not registered; or

(c) exhibits or trains as a performing animal, any animal which is not to be used for the purpose by reason of a notification issued under clause (ii) of section 22; or

(d) obstructs or wilfully delays any person or police officer referred to in section 25 in the exercise of powers under this Act as to entry and inspection; or

(e) conceals any animal with a view to avoiding such inspection; or

(f) being a person registered under this Act, on being duly required in pursuance of this Act to produce his certificate under this Act, fails without reasonable excuse so to do; or

(g) applies to be registered under this Act when not entitled to be so registered;
he shall be punishable on conviction with fine which may extend to five hundred rupees, or with imprisonment which may extend to three months, or with both.

27. Nothing contained in this Chapter shall apply to:—

Exemptions.

(a) the training of animals for *bona fide* military or police purposes or the exhibition of any animals so trained; or

(b) any animals kept in any zoological garden or by any society or association which has for its principal object the exhibition of animals for educational or scientific purposes.

CHAPTER VI

MISCELLANEOUS

28. (1) If the owner of any animal is found guilty of any offence under this Act, the court, upon his conviction thereof, may, if it thinks fit, in addition to any other punishment, make an order that the animal with respect to which the offence was committed shall be forfeited to Government and may, further, make such order as to the disposal of the animal as it thinks fit under the circumstances.

Power of court to deprive person convicted of ownership of animal.

* * * *

(2) No order under sub-section (1) shall be made unless it is shown by evidence as to a previous conviction under this Act or as to the character of the owner or otherwise as to the treatment of the animal that the animal, if left with the owner, is likely to be exposed to further cruelty.

(3) Without prejudice to the provisions contained in sub-section (1), the court may also order that a person convicted of an offence under this Act shall, either permanently or during such period as is fixed by the order, be prohibited from having the custody of any animal of any kind whatsoever, or, as the court thinks fit, of any animal of any kind or species specified in the order.

(4) No order under sub-section (3) shall be made unless—

(a) it is shown by evidence as to a previous conviction or as to the character of the said person or otherwise as to the treatment of the animal in relation to which he has been convicted that an animal in the custody of the said person is likely to be exposed to cruelty;

(b) it is stated in the complaint upon which the conviction was made that it is the intention of the complainant upon the conviction of the accused to request that an order be made as aforesaid; and

(c) the offence for which the conviction was made was committed in an area in which under the law for the time being in force a licence is necessary for the keeping of any such animal as that in respect of which the conviction was made.

(5) Notwithstanding anything to the contrary contained in any law for the time being in force, any person in respect of whom an order is made under sub-section (3) shall have no right to the custody of any animal contrary to the provisions of the order, and if he contravenes the provisions of any order, he shall be punishable with fine which may extend to one hundred rupees, or with imprisonment for a term which may extend to three months, or with both.

(6) Any court which has made an order under sub-section (3) may at any time, either on its own motion or on application made to it in this behalf, rescind or modify such order.

Presumption
as to guilt in
certain cases.

29. If any person is charged with the offence of killing a goat, cow or its progeny contrary to the provisions of clause (l) of sub-section (1) of section 11, and it is proved that such person had in his possession, at the time the offence is alleged to have been committed, the skin of any such animal as is referred to in this section with any part of the skin of the head attached thereto, it shall be presumed until the contrary is proved that such animal was killed in a * * * * cruel manner.

Cognizability
of offences.

30. Notwithstanding anything contained in the Code of Criminal Procedure, 1898, an offence punishable under clause (l), clause (n) or clause (o) of sub-section (1) of section 11 or under section 12 shall be a cognizable offence within the meaning of that Code.

5 of 1898.

Powers
search and
seizure.

31. (1) If a police officer not below the rank of sub-inspector or any person authorised by the State Government in this behalf has reason to believe that an offence under clause (l) of sub-section (1) of section 11 in respect of any such animal as is referred to in section 29 is being, or is about to be, or has been, committed in any place, or that any person has in his possession the skin of any such animal with any part of the skin of the head attached thereto, he may enter and search such place or any place in which he has reason to believe any such skin to be, and may seize such skin or any article or thing used or intended to be used in the commission of such offence.

(2) If a police officer not below the rank of sub-inspector, or any person * * authorised by the State Government in this behalf, has reason to believe that *phooka* or *doom dev* has just been, or is being, performed on any animal within the limits of his jurisdiction,

he may enter any place in which he has reason to believe such animal to be, and may seize the animal and produce it for examination by the veterinary officer in charge of the area in which the animal is seized.

32. (1) If a magistrate of the first or second class or a presidency magistrate or a sub-divisional magistrate or a commissioner of police or district superintendent of police, upon information in writing, and after such inquiry as he thinks necessary, has reason to believe that an offence under this Act is being, or is about to be, or has been committed in any place, he may either himself enter and search or by his warrant authorise any police officer not below the rank of sub-inspector to enter and search the place.

Search
warrants.

5 of 1898.

(2) The provisions of the Code of Criminal Procedure, 1898, relating to searches shall, so far as those provisions can be made applicable, apply to searches under this Act.

33. Any police officer above the rank of a constable or any person authorised by the State Government in this behalf, who has reason to believe that an offence against this Act has been or is being, committed in respect of any animal, may, if in his opinion the circumstances so require, seize the animal and produce the same for examination by the nearest magistrate or by such veterinary officer as may be prescribed, and such police officer or authorised person may, when seizing the animal, require the person in charge thereof to accompany it to the place of examination.

General
power of
seizure for
examination.

34. (1) The State Government may, by general or special order, appoint infirmaries for the treatment and care of animals in respect of which offences against this Act have been committed, and may authorise the detention therein of any animal pending its production before a magistrate.

Treatment
and care of
animals.

(2) The magistrate before whom a prosecution for an offence against this Act has been instituted may direct that the animal concerned shall be treated and cared for in an infirmary, until it is fit to perform its usual work or is otherwise fit for discharge, or that it shall be sent to a *pinjrapole*, or, if the veterinary officer in charge of the area in which the animal is found or such other veterinary officer as may be authorised in this behalf by rules made under this Act certifies that it is incurable or cannot be removed without cruelty, that it shall be destroyed.

(3) An animal sent for care and treatment to an infirmary shall not, unless the magistrate directs that it shall be sent to a *pinjrapole* or that it shall be destroyed, be released from such place except upon a certificate of its fitness for discharge issued by the veterinary officer in charge of the area in which the infirmary is situated or such

other veterinary officer as may be authorised in this behalf by rules made under this Act.

(4) The cost of transporting the animal to an infirmary or *pinjrapole*, and of its maintenance and treatment in an infirmary, shall be payable by the owner of the animal in accordance with a scale of rates to be prescribed by the district magistrate, or, in presidency-towns, by the commissioner of police:

Provided that when the magistrate so orders on account of the poverty of the owner of the animal, no charge shall be payable for the treatment of the animal.

(5) Any amount payable by an owner of an animal under sub-section (4) may be recovered in the same manner as an arrear of land revenue.

(6) If the owner refuses or neglects to remove the animal within such time as a magistrate may specify, the magistrate may direct that the animal be sold and that the proceeds of the sale be applied to the payment of such cost.

(7) The surplus, if any, of the proceeds of such sale shall, on application made by the owner within two months from the date of the sale, be paid to him.

Limitation of prosecutions. 35. A prosecution for an offence against this Act shall not be instituted after the expiration of three months from the date of the commission of the offence.

Delegation of powers. 36. The Central Government may, by notification in the Official Gazette, direct that all or any of the powers exercisable by it under this Act may, subject to such conditions as it may think fit to impose, be also exercisable by any State Government.

Power to make rules. 37. (1) The Central Government may, by notification in the Official Gazette, and subject to the condition of previous publication, make rules to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, the Central Government may make rules providing for all or any of the following matters, namely:—

(a) the terms and conditions of service of members of the Board, the allowances payable to them and the manner in which they may exercise their powers and discharge their functions;

(b) the maximum load (including any load occasioned by the weight of passengers) to be carried or drawn by any animal;

(c) the conditions to be observed for preventing the overcrowding of animals;

(d) the period during which, and the hours between which, any class of animals shall not be used for draught purposes;

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* * * * *

(e) prohibiting the use of any bit or harness involving cruelty to animals;

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(f) requiring persons carrying on the business of a farrier to be licensed and registered by such authority as may be prescribed and levying a fee for the purpose;

15

(g) the precautions to be taken in the capture of animals for purposes of sale, export or for any other purpose, and the different appliances or devices that may ~~about~~ be used for the purpose; and the licensing of such capture and the levying of fees for such licences;

20

(h) the precautions to be taken in the transport of animals, whether by rail, road, inland waterway, * sea or air and the manner in which and the cages or other receptacles in which they may be so transported;

25

(i) requiring persons owning or in charge of premises in which animals are kept or milked to register such premises, to comply with such conditions as may be laid down in relation to the boundary walls or surroundings of such premises, to permit their inspection for the purpose of ascertaining whether any offence under this Act is being, or has been, committed therein, and to expose in such premises copies of section 12 in a language or languages commonly understood in the locality;

30

(j) the form in which applications for registration under Chapter V may be made, the particulars to be contained therein, the fees payable for such registration and the authorities to whom such applications may be made;

35

(k) the purposes to which fines realised under this Act may be applied, including such purposes as the maintenance of infirmaries, *pinjrapoles* and veterinary hospitals;

(l) any other matter which has to be, or may be, prescribed.

(3) If any person contravenes, or abets the contravention of, any rules made under this section, he shall be punishable with fine which may extend to one hundred rupees, or with imprisonment for a term which may extend to three months, or with both.

(4) Every rule made by the Central Government under this section shall be laid as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule, or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Persons
authorised
under section
33 to be pub-
lic servants.

38. Every person authorised by the State Government under section 33 shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

45 of 1860.

Indemnity.

39. No suit, prosecution or other legal proceeding shall lie against any person who is, or who is deemed to be, a public servant within the meaning of section 21 of the Indian Penal Code in respect of anything in good faith done or intended to be done under this Act.

45 of 1860.

Repeal of
Act II of
1890.

40. Where in pursuance of a notification under sub-section (3) of section 1 any provision of this Act comes into force in any State, any provision of the Prevention of Cruelty to Animals Act, 1890, which corresponds to the provision so coming into force, shall thereupon stand repealed.

II of 1890.

APPENDIX I

(Vide para. 2 of the Report)

**Motion in the Rajya Sabha for reference of the Bill to a
Joint Committee**

“That the Bill to prevent the infliction of unnecessary pain or suffering on animals and for that purpose to amend the law relating to the prevention of cruelty to animals be referred to a Joint Committee of the Houses consisting of 45 members; 15 members from this House, namely:—

1. Shrimati Lakshmi N. Menon
2. Shri Jai Narayan Vyas
3. Dr. M. D. D. Gilder
4. Shri K. Madhava Menon
5. Shrimati Chandravati Lakhanpal
6. Prof. N. R. Malkani
7. Shri Amolakh Chand
8. Shri Tajamul Husain
9. Shri Onkar Nath
10. Shri V. C. Kesava Rao
11. Dr. H. N. Kunzru
12. Shri Lalji Pendse
13. Shri Dahyabhai V. Patel
14. Shri Niranjan Singh
15. Shrimati Rukmini Devi Arundale

and 30 members from the Lok Sabha;

that in order to constitute a meeting of the Joint Committee the quorum shall be one-third of the total number of members of the Joint Committee;

that in other respects, the Rules of Procedure of this House relating to Select Committees shall apply with such variations and modifications as the Chairman may make;

that this House recommends to the Lok Sabha that the Lok Sabha do join in the said Joint Committee and communicate to this House the names of members to be appointed by the Lok Sabha to the Joint Committee; and

that the Committee shall make a report to this House by the first day of the next session.”

APPENDIX II

(*Vide* para. 3 of the Report)

Motion in the Lok Sabha

"That this House concurs in the recommendation of Rajya Sabha that the House do join in the Joint Committee of the Houses on the Bill to prevent the infliction of unnecessary pain or suffering on animals and for the purpose to amend the law relating to the prevention of cruelty to animals, made in the motion adopted by Rajya Sabha at its sitting held on the 13th August, 1959 and communicated to this House on the 17th August, 1959 and resolves that the following members of Lok Sabha be nominated to serve on the said Joint Committee, namely:—

1. Pandit Thakur Das Bhargava
2. Shri M. L. Dwivedi
3. Shri Masuriya Din
4. Shri Har Prasad Singh
5. Shri K. G. Wodeyar
6. Shrimati Mafida Ahmed
7. Shrimati Subhadra Joshi
8. Shri Chapalakanta Bhattacharyya
9. Kumari Mothey Veda Kumari
10. Shri C. R. Narasimhan
11. Shri M. K. Jinachandran
12. Shri Kanhaiyalal Khadiwala
13. Shri Mohanlal Bakliwal
14. Shri Inder J. Malhotra
15. Shri Laxmanrao Shrawamji Bhatkar
16. Shri Akbarbhai Chavda
17. Shri Anirudha Sinha
18. Shri Chandramani Lal Choudhry
19. Shri K. S. Ramaswami
20. Shrimati Uma Nehru
21. Shri T. C. N. Menon

22. Shri Baishnab Charan Mullick
23. Shri Jagdish Awasthi
24. Shri Amjad Ali
25. Shri Kamal Singh
26. Shri Balasaheb Salunke
27. Shri Atal Bihari Vajpayee
28. Shri Prakash Vir Shastri
29. Dr. Sushila Nayar
30. Shri S. K. Patil."

S. N. MUKERJEE,
Secretary.

